

# **What Every Supervisor Should Know**

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# Purpose

Provide an overview of safety and occupational health as it applies to the Forest Service.

# Agenda

- Occupational Safety and Health Act (OSHAct)
- Occupational Safety and Health Administration (OSHA)
- Executive Order 12196
- 29 CFR 1960 – Elements for Federal Employee Occupational Safety and Health Programs
- Forest Service Manual and Handbooks
- Master Agreement - FS and NFFE (Article 27)

# Agenda

- Inspections by OSHA
- Embedded Risk Management Program
- Office of Workers' Compensation Program (OWCP)
- Safety and Health Information Portal System (SHIPS)

# Agenda

- Violence in the Workplace
- Employee Assistance Program
- Hearing Conservation
- Wellness
- Credibility Through Accountability

# **Occupational Safety and Health Act**

## **The Act**

# Origin of OSHA Standards

- Consensus standards
- Proprietary standards
- Pre-existing Federal laws/statutes
  - Public Contracts Act
  - Service Contract Act
  - Contract Work Hours and Safety Standards Act
- Horizontal standards
- Vertical standards

# New Standards

- OSHA initiated
- Petitioned by other parties
  - National Institute of Occupational Safety and Health (NIOSH)
  - State and local governments
  - Nationally recognized standards producing organizations
  - Employer or labor representatives
  - Other interested persons



# New Standards

- Standards adoption (Federal Register)
  - Emergency temporary standards
  - Appealing a standard
  - Variances
    - Temporary variance
    - Permanent variance
    - Interim order
    - Experimental variance
  - Public petitions

# OSHA Act Coverage

# The General Duty Clause

## Section 5

# The General Duty Clause

- (a) Each employer –
  - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
  - (2) shall comply with occupational safety and health standards promulgated under this Act.

# The General Duty Clause

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

# Subtle Words

- Should
- Shall
- Will
- Must
- May
- Could
- Ought

# Regulations

Standards – 29 CFR

# Subparts

Subparts A - Z



# Paragraph Numbering System

29 CFR 1910.1200(f)(1)(i)

**Title**

**Part**

**Section**

**Code of Federal  
Regulations**

Safety and Occupational Health  
- 2005

# Appendices

Mandatory  
Non-mandatory  
Advisory

# **Occupational Safety and Health Administration**

**OSHA**

# Why We Comply

- Best practices
- Good business
  - Reduces worker injuries and illnesses
  - Reduces OWCP claims
  - Decreases time lost to injuries and illnesses
  - Increases productivity and morale
- Legally required
  - Criminal and civil penalties possible

# **Executive Order 12196**

**EO 12196**

# **Elements for Federal Employee Occupational Safety and Health Programs**

**29 CFR 1960**

# 29 CFR 1960

- Purpose and scope - 1960.1(a)
- Agency responsibilities - 1960.8
- Supervisory responsibilities - 1960.9
- Employee responsibilities and rights - 1960.10
- Compliance with OSHA standards - 1960.16
- Qualifications of safety and health inspectors and agency inspections - 1960.25

# 29 CFR 1960

- Employee reports of unsafe or unhealthful working conditions - 1960.28
- Abatement of unsafe or unhealthful working conditions - 1960.30
- Training - 1960.54/55/56/57/58/59



# Forest Service Manual and Handbook

- Safety and Health Program  
FSM 6700
- Health and Safety Code Handbook  
FSH 6709.11
- Safety and Health Program  
Handbook FSH 6709.12

# **Master Agreement - FS and NFFE (Article 27)**

- General
- Workplace Security
- Safety and Health Inspections
- Local Safety and Health Programs
- Safety and Health Committees
- Health and Safety Policies
- Unsafe Working Conditions

# **Master Agreement - FS and NFFE**

## **(Article 27)**

- Bloodborne Pathogens Program
- Occupational Health and Safety Training
- Law Enforcement
- Communications
- Accidents
- Union Safety Representative

# **Federal Employer Rights and Responsibilities Following an OSHA Inspection**

# After An Inspection

- Inspected
- IAW
  - Occupational Safety and Health Act of 1970
  - Executive Order 12196
  - 29 CFR 1960 – Elements for Federal Employee Occupational Safety and Health Programs
- OSHA-2H Form (OSHA Notice)

# Types of Violations

- Willful
- Serious
- Repeat
- Other-Than-Serious

## Forest Service Inspections

# Posting Requirements

- Must post original or copy
- At or near place where each violation occurred
- Must remain posted for 3 working days or until hazard abated

# Employer Options

- As an employer, you may:
  - Correct the condition
  - Request an Informal Conference



# How To Comply

- Promptly notify the OSHA Area Director
- Letter of Corrective Action
  - Explain specific actions
  - Abatement questions – request Informal Conference
- Protect employees during abatement period
- Provide OSAH with period progress reports

# Informal Conference

- May request to discuss to discuss the violation(s) and/or the abatement dates
- Other questions you may have
- Employee representatives
- Amended OSHA Notice

# Petition for Modification of Abatement (PMA)

- Based on best information available at time of OSHA Notice
- Unable to meet abatement date
  - Petition for Modification of Abatement
    - Steps taken to date
    - Additional time needed and why
    - Interim steps take to safeguard employees
    - Certification that the petition has been posted
  - OSHA Area Director decision

# Alternate Standards

- Agency heads may apply
- Provide OSHA with
  - Statement of why agency cannot comply
  - Explanation of how alternate method provides protection
  - Description of interim protective measures
  - Summary of written comments
- Employee encouraged to participate in process

# Employee Courses of Action

- Employees/authorized representatives may object to abatement dates
- Employee objection does not suspend obligation to abate
- Employees have right to object to PMA

# Follow up Inspection and Failure to Abate

- Follow up inspection verifies
  - Posting of OSHA Notice
  - Corrected violations
  - Adequate protection provided employees
  - New violations
- Failure to Abate Notice

# Employer Discrimination

- Executive Order 12196
- Agency Responsibilities - 1960.46
- Whistleblower Protection Act of 1989
- No time limit to file a complaint with the Office of Special Counsel (OSC)

# **Embedded Risk Management Program**

Risk management is the process whereby threats to the organizations' or individuals' operations are managed.



# Terms

- Hazard
- Risk
- Probability
- Severity
- Estimating
- Exposure
- Risk Assessment
- Risk Decision
- Gambling
- Risk Control
- Risk Management
- Risk Management Integration

# Hazard

Any actual or potential condition that can cause injury, illness, or death of personnel, damage to or loss of equipment, property or mission degradation.

or

# Hazard

Any real or potential condition that can cause injury, illness, or death to personnel or damage to or loss of equipment or property, mission degradation, or damage to the environment

or

# Hazard

A condition or activity with potential to cause damage, loss, or mission degradation.

# Risk

Chance of a hazard or bad consequences; the probability of exposure to chance of injury or loss from a hazard; risk level is expressed in terms of hazard probability and severity

or

# Risk

Chance of adverse outcome or bad consequence; such as injury, illness, or loss. Risk level is expressed in terms of hazard probability and severity.

# Types of Risks

- Operational
- Accident
- Residual
- Emergent

# Operational Risk

Risk concerned with a hazard that exists because of other entities or the presence of others. It applies to all levels and across the spectrum of operations.



# Accident Risk

- All risks including
  - Risks to the workforce
  - Risks posed to civilians by an operation/activity
  - Risks to the environment
  - Risks to equipment readiness

# Residual Risk

The level of risk remaining  
after controls have been  
identified and selected for  
hazards that may result in  
loss of operational  
effectiveness.

or

# **Residual Risk**

Risk remaining after controls  
have been identified and  
selected.

# Emergent Risk

Those risks that have not yet occurred but are at an early stage of becoming known and/or coming into being and expected to grow greatly in significance.

# Probability

The likelihood that an event  
will occur.

or

# Probability

An assessment of the likelihood that, given exposure to a hazard, an accident will result.

# Severity

The expected consequence of an event in terms of degree of injury, property damage, or other mission-impairing factors that could occur.

or

# Severity

An assessment of the expected consequence, defined by degree of injury or occupational illness that could occur from exposure to the hazard.

or



# Severity

The expected consequence of an event in terms of degree of injury, property damage, or other mission-impairing factors.

# Estimating

Follows from examining both probability and severity of hazardous events.

# Exposure

The frequency and length of  
time personnel and/or  
equipment are subjected to a  
hazard.

or

# Exposure

An expression of personnel exposure that considers the number of persons exposed and the frequency duration of the exposure.

# Risk Assessment

Identification and assessment of hazards; an identified hazard is assessed to determine the risk of a hazardous incident due to the presence of the hazard.

or

# Risk Assessment

A structured process to identify and assess hazards.

An expression of potential harm, described in terms of hazard severity, accident probability, and exposure to the hazard

# Risk Decision

The decision to accept or not accept the risk(s) associated with an action. Made by the supervisor or individual performing the action within the constraints of the law.

# Gambling

Making risk decisions without  
reasonable or prudent  
assessment or management  
of the risks involved.



# **Risk Control**

Devising and applying a  
means to control (manage)  
risk.

# Methods of Risk Control

- Risk reduction through changes in system design and management
- Risk reduction through improved risk information management
- Risk neutralization through diversification of processes
- Risk neutralization through transfer and/or sharing
- Risk retention (accept risks as they exist)

# Examples of Risk Control

- Job Hazard Analysis
- Training
- Housekeeping
- Inspections
- Tools and Equipment
- Policies, Procedures, Processes
- Supervision
- Tailgate Sessions
- Contract Management and Administration
- Performance Expectations
- Personal Protective Equipment

# Risk Management

The process of identifying, assessing, and controlling risks arising from operational factors and making decisions that balance risk costs with mission benefits.

or

# Risk Management

The principal structured risk reduction process to assist leaders in identifying and controlling safety and health hazards and making informed decisions.

or

# Risk Management

A tool that provides management a systematic process designed to identify and manage risks associated with any task or operation.

or

# **Risk Management**

The process whereby threats to the organizations' or individuals' operations are managed.

# Risk Management

- Risk management is not a safety program
- Safety is a by-product of an effective risk management program
- Risk management goes beyond considering pure risk alone
- Risk managers must look for threats
- Management must decide to accept and at what level



# Risk Management

- Does not
  - Inhibit the leader's flexibility and initiative
  - Remove risk altogether, or support a zero defects mindset
  - Require a GO/NO-GO decision
  - Sanction or justify violating the law
  - Remove the necessity for standard drills, operations, techniques, and procedures

# Risk Management

- Assists the leader in
  - Conserving lives and resources and avoiding unnecessary risk
  - Making an informed decision to implement a course of action
  - Identifying feasible and effective control measures where specific standards do not exist
  - Providing reasonable alternatives for mission accomplishment

# **Risk Management Integration**

The embedding of risk management principles and practices into operations, culture, organizations, systems, and individual behavior.

# The Process

## The Five Steps

1. Identify Hazards
2. Assess Hazards
3. Develop Controls and Make Risk Decisions
4. Implement Controls
5. Supervise and Evaluate

# Riding a Bicycle

# Step 1

## Identify Hazards

# Hazard vs. Consequence

- What is a hazard?
- What is a consequence?
- How do we differentiate?

# Differentiating

- Consequences
- Pseudo Hazards
- Real Hazards
- Mitigation
- Tell a Story



# Step 2

## Assess Hazards

# Assess Hazards

- Probability
  - Frequent
  - Likely
  - Occasional
  - Seldom
  - Unlikely

# Assess Hazards

- Severity
  - Catastrophic
  - Critical
  - Marginal
  - Negligible

# Risk Level

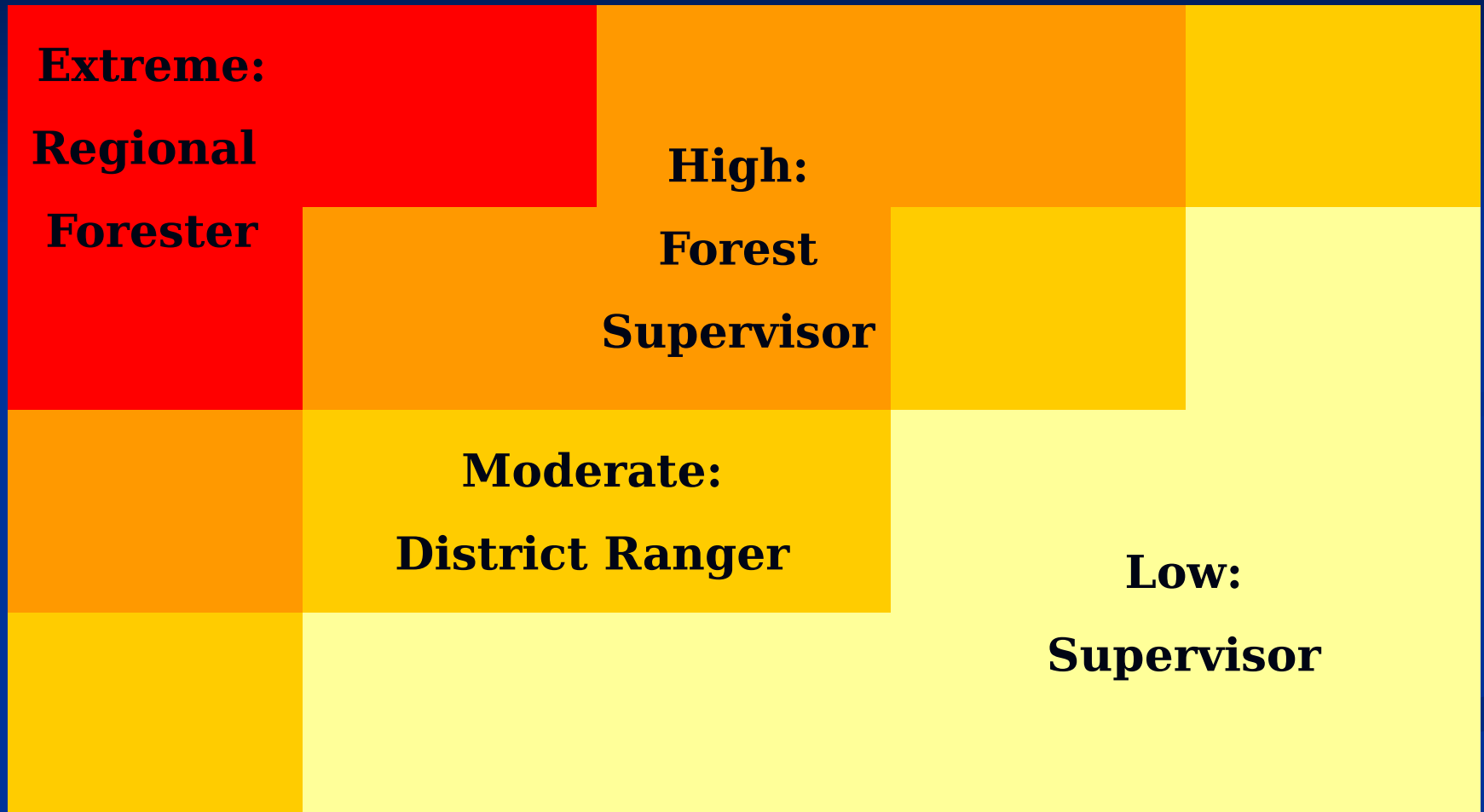
	PROBABILITY				
SEVERITY	Frequent A	Likely B	Occasional C	Seldom D	Unlikely E
Catastrophic I	Extreme		High		
Critical II					
Marginal III		Moderate		Low	
Negligible IV					

**This is  
our  
estimate!**

# Step 3

Develop Controls and Make  
Risk Decisions

# Decision Level



# Step 4

## Implement Controls

# Step 5

## Supervise and Evaluate



# The Process

- Steps 1 and 2 make up the assessment
- Steps 3 through 5 are the follow through

# Principles

- Integrate into planning
- Accept no unnecessary risks
- Make risk decisions at the proper level
- Accept risk if benefits outweigh the cost

If it can't be done safely, it can't be done!

# **Risk Management**

Purpose and Conclusion

# Risk Management

Don't take unnecessary risks!



Occupational Health -  
2005

# Office of Worker's Compensation Program (OWCP)

- Regional Objectives
- Federal Employee Compensation Act (FECA)
- Responsibilities
- Benefits
- SHIPS
- Safety, Health and Return to Employment (SHARE)

# Regional Objectives

- Employee support
- Provide OWCP training to employees
- Assist getting employees back to work
- Timely filing of forms
- Coordination with DOL/OWCP
- Investigate fraudulent claims

# Federal Employees' Compensation Act (FECA)

- Administered by the:
  - Department of Labor
  - Division of Federal Employees' Compensation
  - Office of Workers' Compensation Program
- Provides compensation benefits to employees injured on the job

# FECA

- Medical treatment
- Wage loss compensation
- Vocation rehabilitation
- Schedule awards



# FECA

- Primary benefits provided include:
  - Disfigurement compensation
  - Death benefits
  - Registered nurse intervention

# FECA

- Continuation of pay (COP)
  - Available for traumatic injuries only
  - Purpose is to continue regular pay
  - Up to 45 calendar days of use
  - Select COP option on CA-1
  - Controverting COP

# Claim Responsibilities

- Employees
- Supervisors
- OWCP Compensation Specialist
- Department of Labor

# Employees' Responsibilities

- Obtain medical treatment
- Report incident to supervisor and complete appropriate forms as soon as possible
- Provide evidence that the incident is job related
- Provide medical evidence of injury/illness
- If off work due to incident, develop a check-in schedule with supervisor
- Utilize DOL/OWCP services
- Return to work as soon as medically able
- Adhere to regulations and law

# Supervisors' Responsibilities

- Ensure injured employee gets medical treatment
- Fill out CA-16 within 4 hours of injury and give to the medical provider
- Complete the supervisors' portion of the claim form (CA-1/CA-2) via SHIPS
- Provide findings if there is disagreement with what the employee claims
- Mail completed and signed forms to Regional OWCP Specialist within 10 days of the incident

# Supervisors' Responsibilities

- Communicate with the employee regularly and discuss benefits authorized under FECA
- Develop a check-in schedule with the employee and stay abreast of medical condition
- Make sure the employee understands that you want them back to work
- Develop light-duty and/or modified work within the employees' medical restrictions

# Compensation Specialists' Responsibilities

- Provide training and assistance to employees
- Process claims to OWCP within 10 days of the incident
- Assist with the employee's return to work
- Manage all OWCP cases
- Refer and investigate suspected cases of fraud

# OWCP Responsibilities

- Administer the FECA
- Make decisions on all matters relating to claims
- Authorize basic medical treatment and treatment requiring special authorization
- Pay bills for medical treatment and compensation for lost wages



# OWCP Responsibilities

- Make sure employees receive proper medical care and return to work as soon as medically possible
- Provide vocation rehabilitation services
- Provide training to Federal agencies
- Provide death benefits

# Registered Nurse Intervention

- Facilitates between employee, supervisor, agency, and physician
- More effective treatment regimen
- Active participation in treatment
- Return to work quicker
- Lower overall cost

# Compensation Rates

- Payable at 75% if dependents are involved
- Payable at 66% with no dependents
- Payable at 50% upon reaching retirement age

# Safety, Health and Return to Employment (SHARE)

- President's initiative to:
  - "...strive to do more to improve workplace safety and health and reduce the cost of injury to workers and taxpayers."
- Goals
  - Goal 1: Reduce total case rate by 3% per year
  - Goal 2: Reduce lost time case rate by 3% per year
  - Goal 3: Increase timely filing by at least 5% per year
  - Goal 4: Reduce lost production days by 1% per year

# **Safety and Health Information Portal System (SHIPS)**

# SHIPS

- An on-line database for recording and managing safety incident
  - Injuries
  - Illnesses
  - Near Misses
  - Vehicle Accidents

# SHIPS

- Produces CA-1 and CA-2 forms
- Provides statistical data
- Provides OSHA and other reports
- Currently implemented across the Forest Service

# SHIPS Access

- Accessed via **Dashboard**
- All Forest Service employees have access to “**Add Safety Incident**”
- Safety Managers, OWCP Specialist, and Fire Safety Managers have access to “**Manage Safety Data**”




# The Life of an Incident in SHIPS




Employee logs in to Dashboard, selects "Add Safety Incident" appropriate data



Supervisor receives an e-mail providing notice of Incident




Supervisor logs in to SHIPS and completes their portion of CA-1/CA-2 for their incidents




Once the CA-1/CA-2 is completed, the Safety Manager and OWCP Compensation Specialist receive notification via e-mail

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After receiving e-mail, Safety Manager and OWCP Compensation Specialist log in and select 'Manage Safety Data' and complete their portions of CA-1/CA-2



OWCP Compensation Specialist then sends CA-1/CA-2 to Department of Labor (DOL), as appropriate



# Responsibilities

- Employees
- Immediate Supervisors
- OWCP Compensation Specialist
- Safety Managers

# Employees' Responsibilities

- Log in to Dashboard
- Select “Add Safety Incident”
  - Enter Incident as soon as possible or have someone assist you
  - Print receipt for your records
- Automatically notifies (e-mail):
  - Immediate supervisor
  - Regional and Forest Safety Managers
  - OWCP Compensation Specialist
  - If fire related – Fire Safety Manager

# Supervisors' Responsibilities

- Log in to Dashboard
- Select “Add Safety Incident”
- Select “Supervisor CA-1/CA-2”
- Review employee portion of form
- Complete page 2 of form
- Automatically notifies (e-mail):
  - Regional and Forest Safety Managers
  - OWCP Compensation Specialist
  - If fire related – Fire Safety Manager

# Supervisors' Responsibilities

- Print form for signature by:
  - Employee
  - Supervisor
  - Witness
- Mail completed and signed forms to Regional OWCP Compensation Specialist within 10 days of the incident

# Compensation Specialists' Responsibilities

- Review form for accuracy
- Fill in source, type, facility, and employee codes
- Determine OSHA recordability
  - Medical Visit
  - Loss of Consciousness
  - Lost Time
  - Restricted Work Duties
  - Fatality

# Compensation Specialists' Responsibilities

- Send forms to Department of Labor (DOL)
- Start medical file
- Manage case
- Coordinate DOL services

# Safety Managers' Responsibilities

- Investigate incident/accident
- Complete investigation report
- Send report to appropriate supervisor/manager



# Tips for SHIPS

- Work uninterrupted or program may shut down resulting in lost work
- When finished with each page, review before proceeding to the next
- Expect to lose a page of data if you use the “Back” feature

# Violence in the Workplace

- Introduction
- Awareness
- Workplace and Work Practices
- Incident Reporting
- Incident Response
- Workplace Violence Incident Report Form

# Employee Assistance Program

- Guidance Resources
  - FEDSOURCE
- ComPsych – (888) 290-4327

# Hearing Conservation

- Required by 29 CFR 1904.10 and 1910.95
- FSH 6709.12
- High risk employees
- Engineering controls
- Administrative controls
- Personal protective equipment (PPE)

# Hearing Conservation

- Training
- Hearing test
- Monitoring
- Record keeping

# Hearing Conservation

- Supervisors will ensure that noise-exposed personnel under their supervision:
  - Are provided hearing protection and audiometric evaluations
  - Attend annual health education briefing
  - Follow the recommendations
  - Properly wear hearing protection
  - Report for scheduled examinations
  - Are notified of noise exposure measurements
  - Retain issued hearing protection

# Wellness

- Health and Wellness Program Guidelines
- DRAFT Wellness Contract
- Finance and Accounting, Appropriations and Funds - 6511.13h

# Credibility Through Accountability

- Workshop
- Team members
- Elements
  - Safety
  - Occupational Health



# **Questions?**

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